

MESSAGE NO: 9106113 MESSAGE DATE: 04/16/1999

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/26/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY SCOPE RULING IN THE COUNTERVAILING DUTY ORDER ON  
CERTAIN PASTA FROM ITALY (C-475-819)

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CASES: C - 475 - 819 - -

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PERIOD COVERED: 10 26 1998 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: PRELIMINARY SCOPE RULING IN THE COUNTERVAILING DUTY ORDER  
ON CERTAIN PASTA FROM ITALY (C-475-819)

1. ON OCTOBER 26, 1998, THE DEPARTMENT OF COMMERCE SELF-  
INITIATED A SCOPE INQUIRY WITH RESPECT TO THE COUNTERVAILING DUTY  
ORDER ON CERTAIN PASTA FROM ITALY TO CLARIFY THE MEANING OF A "  
FIVE-POUND" PACKAGE OF PASTA.

2. SCOPE OF THE COUNTERVAILING DUTY ORDER

THE SCOPE OF THIS ORDER CONSISTS OF CERTAIN NON-EGG DRY  
PASTA IN PACKAGES OF FIVE POUNDS (OR 2.27 KILOGRAMS) OR LESS,

WHETHER OR NOT ENRICHED OR FORTIFIED OR CONTAINING MILK OR OTHER OPTIONAL INGREDIENTS SUCH AS CHOPPED VEGETABLES, VEGETABLE PUREES, MILK, GLUTEN, DIASTASES, VITAMINS, COLORING AND FLAVORINGS, AND UP TO TWO PERCENT EGG WHITE. THE PASTA COVERED BY THIS SCOPE IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS OR POLYETHYLENE BAGS, OF VARYING DIMENSIONS.

EXCLUDED FROM THE SCOPE OF THIS REVIEW ARE REFRIGERATED, FROZEN OR CANNED PASTAS, AS WELL AS ALL FORMS OF EGG PASTA, WITH THE EXCEPTION OF NON-EGG DRY PASTA CONTAINING UP TO TWO PERCENT EGG WHITE. ALSO EXCLUDED ARE IMPORTS OF ORGANIC PASTA FROM ITALY THAT ARE ACCOMPANIED BY THE APPROPRIATE CERTIFICATE ISSUED BY THE ISTITUTO MEDITERRANEO DI CERTIFICAZIONE ("IMC"), BY BIOAGRICOO SCRL, BY QC&I INTERNATIONAL SERVICES, OR BY ECOCERT ITALIA.

3. THE MERCHANDISE UNDER ORDER IS CURRENTLY CLASSIFIABLE UNDER ITEMS 1902.19.20 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

4. ON MARCH 24, 1999, THE DEPARTMENT ISSUED A PRELIMINARY SCOPE RULING THAT PASTA IN PACKAGES WEIGHING OR LABELED UP TO AND INCLUDING FIVE-POUNDS FOUR-OUNCES IS WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER COVERING CERTAIN PASTA FROM ITALY (C-475-819).

5. FOR IMPORTS OF CERTAIN PASTA MANUFACTURED IN ITALY IN PACKAGES WEIGHING OR LABELED UP TO AND INCLUDING FIVE-POUNDS FOUR-OUNCES AND OTHERWISE MEETING ALL THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE COUNTERVAILING DUTY ORDER, THE CUSTOMS

SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER

OCTOBER 26, 1998, AT THE CASH DEPOSIT RATES IN EFFECT.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT SALLY HASTINGS, OFFICE OF AD/CVD ENFORCEMENT OFFICE 1, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-3464.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party